

# Exhibit 1

UNCERTIFIED DRAFT TRANSCRIPT

1 N O T I C E

2 This transcript is an UNCERTIFIED ROUGH DRAFT  
3 TRANSCRIPT ONLY. It contains the raw output from  
4 the court reporter's stenotype machine translated  
5 into English by the court reporter's computer,  
6 without the benefit of proofreading. It will  
7 contain untranslated steno outlines,  
8 mistranslations (wrong words), and misspellings.

9 These and any other errors will be corrected  
10 in the final transcript. Since this rough draft  
11 transcript has not been proofread, the court  
12 reporter cannot assume responsibility for any  
13 error. This rough draft transcript is intended to  
14 assist attorneys in their case preparation and is  
15 not to be construed as the final transcript. It  
16 is not to be read by the witness or quoted in any  
17 pleading or for any other purpose and may not be  
18 filed with any court.

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1 P R O C E E D I N G S

2 VIDEO TECHNICIAN: Good morning. We are  
3 going on the record at 9:52 a.m. on June 25th,  
4 2019.

5 Please note that the microphones are  
6 sensitive and may pick up whispering, private  
7 conversations, and cellular interference. Please  
8 turn off all cell phones or place them away from  
9 the microphones, as they can interfere with the  
10 deposition audio.

11 Audio and video recording will continue  
12 to take place unless all parties agree to go off  
13 the record.

14 This is media unit 1 of the  
15 video-recorded deposition of William H. Lehr, in  
16 the matter of Sony Music Entertainment, et al., v.  
17 Cox Communications, Inc., et al., filed in the  
18 United States District Court, Eastern District of  
19 Virginia, Case Number 1:18-cv-00950-LO-JFA.

20 This deposition is being held at  
21 Winston & Strawn, located at 1700 K Street,  
22 Northwest, Washington, D.C.

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13 lot of that. And I think you've stated that if  
14 you relied on any documents in this case,  
15 generated from this case in discovery or exhibits  
16 and you relied on them, that you've identified  
17 them in your reports; is that true?

18 A. I believe that's a fair characterization.

19 Q. Is there any information that you  
20 requested and didn't get in this case with regard  
21 to information from the plaintiffs or the  
22 defendants that you thought would be helpful?

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1 A. Well, I mean, I generally asked about  
2 different sorts of data. For example, when I  
3 wrote my initial report, we had some publicly  
4 available data on Cox's business or, you know,  
5 basically facts about the size of their business.  
6 And I had made an estimate of, like, making  
7 certain assumptions about what the value of the  
8 business stuff was.

9 And then subsequent to that, additional  
10 documents came out which, had I had at the time I  
11 did my original report, I would have used.

12 And then I also saw a couple pages from,  
13 you know, the audited financials. But it was my

14 understanding that the total document was not  
15 provided. Certainly that total document, were it  
16 provided, would be interesting. Whether or not it  
17 would change any of my opinions or not, I can't  
18 say until I see that whole document.

19 But often to interpret, you know,  
20 financial things, you want to have some more  
21 context to do them. I think that what was  
22 provided to me for the purposes in which I've used

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1 it in my report, I feel like I understand it. But  
2 I would -- you know, I'm always interested in  
3 seeing more.

4 So I know that, you know, there's always  
5 going to be some limitations to what you can get.  
6 Seems to me, for example, in that context, knowing  
7 that there are these audited statements, part of  
8 which has been provided, having the whole thing  
9 would be a useful thing to have, but I'm not sure  
10 it would change anything or cause me to offer any  
11 different opinions were I have it now or had it  
12 before.

13 Q. Okay. Have you ever not been qualified  
14 as an expert in a case? In other words, you were

15 challenged as an expert and the court of tribunal  
16 ruled that you were not an expert in that case and  
17 could not testify. Has that ever happened to you?

18 A. I don't believe I've ever been certified  
19 not as an expert for the opinions I was offering.

20 I've had, in various context in testimony  
21 I've offered, has been struck for various reasons.

22 Q. So I think you stated with regard to the

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1 audited financials that you thought the whole  
2 thing would be a useful thing to have but you're  
3 not sure it would change anything or was you to  
4 change your opinions; is that right?

5 A. Well, I haven't seen it, so I don't know  
6 what's in it.

7 Q. Okay.

8 A. Often -- you know, usually, you know, the  
9 pages that were provided were certainly -- had I  
10 been given everything but those pages, I'd have a  
11 much harder time. Much less useful to me. Having  
12 the whole thing would give me more background in  
13 the context. And that's useful. But without  
14 having seen it, I don't know what it would  
15 have -- might have revealed.